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San Diego, California

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*Attorneys for Defendant*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER &  
PLUMBING, individually and on  
behalf of all others similarly  
situated,

Plaintiff,

v.

SEARS BRAND, LLC, d/b/a  
SEARS HOME IMPROVEMENT  
d/b/a SEARS HOME SERVICES,

Defendant.

**Case No.: 4:17-cv-3312-JSW**

**STIPULATION FOR  
DISMISSAL OF ACTION WITH  
PREJUDICE AS TO THE  
NAMED PLAINTIFF AND  
WITHOUT PREJUDICE AS TO  
THE PUTATIVE CLASS**

**HON. JEFFREY S. WHITE**

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2 Plaintiff ABANTE ROOTER & PLUMBING (“Plaintiff”) and defendant,  
3 SEARS BRANDS, LLC<sup>1</sup> d/b/a SEARS HOME IMPROVEMENT d/b/a SEARS  
4 HOME SERVICES (“Defendant”), hereby stipulate and jointly move to dismiss the  
5 above entitled action with prejudice as to the named Plaintiff and without prejudice  
6 as to the Putative Class, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii),  
7 each party shall bear its own costs. The notice and approval requirements of  
8 Federal Rule of Civil Procedure 23(e) are inapplicable to the parties’ settlement and  
9 dismissal of this Putative Class action because this action has not been certified as a  
10 class.

11 WHEREFORE, the parties respectfully stipulate and request that this Court  
12 dismiss this action with prejudice as to the named Plaintiff, and without prejudice  
13 as to the Putative Class. This Court retains jurisdiction to enforce the settlement of  
14 this action.

15 Dated: November 30, 2017

**HYDE & SWIGART APC**

16 By: s/Yana A. Hart, Esq.  
17 Yana A. Hart  
18 *Attorney for Plaintiff*

**BAKER & HOSTELER LLP**

20 Dated: November 30, 2017

21 By: s/Teresa C. Chow  
22 Teresa C. Chow  
23 *Attorney for Defendant*

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<sup>1</sup> Plaintiff erroneously named Defendant in the lawsuit as Sears Brand, LLC.

**Signature Certification**

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Teresa C. Chow, counsel for the Defendant, and that I have obtained her authorization to affix her electronic signature to this document.

Dated: November 30, 2017

**HYDE & SWIGART APC**

By: s/Yana A. Hart, Esq.

Yana A. Hart

*Attorney for Plaintiff*

HYDE & SWIGART  
San Diego, California

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER &  
PLUMBING, individually and on  
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SEARS BRAND, LLC, d/b/a  
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Defendant.

**Case No.: 4:17-cv-3312-JSW**

**[PROPOSED] ORDER**

Having considered the Parties' Stipulation, and for good cause being shown:

**IT IS HEREBY ORDERED THAT** this action is dismissed with prejudice as to the named Plaintiff, and without prejudice as to the Putative Class. This Court retains jurisdiction to enforce the settlement of this action.

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HON. JEFFREY S. WHITE  
U.S. District Judge